1 2 UNITED STATES DISTRICT COURT 3 4 **DISTRICT OF NEVADA** 5 6 UNITED STATES OF AMERICA, 7 Plaintiff, Case No. 2:16-cr-00274-KJD-GWF 8 **ORDER** VS. 9 LAZAREO JONES, Defendant. 10 11 This matter is before the Court on the documents submitted by the U.S. Probation Office for 12 13 the Court's in camera review pursuant to the Court's Order (ECF No. 37). After review of the documents, the Court has determined that the following documents, as 14 redacted, are relevant to Defendant's Motion to Suppress (ECF No. 19) and will produce the same 15 16 to the parties: 1. Report on Search of Offender (Exhibit 1) 17 2. Search Plan (Exhibit 2) 18 19 3. Text messages between the probation officers (Exhibit 3) 4. Chronological Record Entries (Exhibit 4) 20 The entire unredacted version of the aforementioned documents submitted by the U.S. 21 Probation Office for in camera review have been placed in a sealed envelope and will be maintained 22 23 under seal for the purposes of appeal and/or future proceedings. Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall provide the parties with a 24 copy of this Order and the corresponding Exhibits. 25 DATED this 2nd day of March, 2017. 26 27 28 States Magistrate Judge

Exhibit 1

Exhibit 1

DISTRICT OF NEVADA UNITED STATES PROBATION OFFICE REPORT ON SEARCH OF OFFENDER

Name of Offender: Lazareo Jones

Date & Time of Search: September 2, 2016 @ 9:45 A.M.

Location of Search: 5622 Via Victoria Ave, North Las Vegas Nevada

Offender's USPO: Steve M. Goldner

<u>Search Coordinator</u>: Senior USPO Steve M. Goldner **Policy Advisor**: Supervising USPO Todd Fredlund

Search Team Members: Sunny Cascio, Shawn Mummey, Patrick Sumansky, Robert Aquino,

Ben Johnson, Steve Goldner, Todd Fredlund

Observing Probation Officer: Donnette Johnson

Other Agency (if applicable): North Las Vegas Police Department

Offender's History and Legal Status:

On October 30, 2014, Lazareo Jones was sentenced by U.S. District Judge Andrew P. Gordon to 30 months custody and three (3) years supervised release for having committed the offense of Prohibited Person in Possession of a Firearm. Jones commenced supervised release on July 14, 2016.

On July 15, 2016, into the early morning hours of July 16, 2016, Jones violated his release conditions by associating with convicted felons and documented gang members at a party he hosted at the Palms Hotel and Casino. In response, on July 20, 2016, Jones' conditions were modified to include six (6) months of home confinement with electronic monitoring. Home confinement was initiated on July 25, 2016.

Jones has prior convictions for Pandering (2013), and is a registered sex offender as a result of this conviction, and Battery Domestic Violence (2012). In addition, he has sustained several misdemeanor convictions for public nuisance, drug, and traffic related offenses.

Reasons for Search:

Lazareo Jones tampered with his electronic monitoring bracelet on August 29, 2016, when Senior USPO Goldner received "Tamper Bracelet" alert at 2:02 a.m. The offender was unaccountable from 2:02 a.m until approximately 6 a.m. when another Location Monitoring bracelet was placed on Lazareo Jones' wrist. Shortly after the Tamper and Proximity alert, the North Las Vegas Police Department received reports at 02:21 a.m. indicating that a male matching the description of Jones reportedly brandished a firearm during a fight in the street near his listed residence during this same time period. This supervising probation officer received this report from North Las Vegas Police Department on September 1, 2016. The information was staffed with Supervising U.S.P.O. Johnson and a subsequent request for search of Mr. Jones was submitted to Chief U.S.P.O. Chad Boardman. Based upon this information, this search was approved.

<u>Details of Search</u> (to include condition of residence before and after the search; individual roles of search team members; third party management; problems encountered; and inventory of items found, where, by whom, and if seized):

Upon receipt of the North Las Vegas Police Department report, Senior USPO Goldner requested a search of the offender, the offender's residence and any vehicle he has under his control. On the same day of the bracelet tamper (August 29, 2016), Jones moved to a new residence at 5622 Via Victoria Avenue, North Las Vegas, Nevada. Chief Boardman gave permission to conduct the search on September 1, 2016. The search was scheduled for approximately 9:30 A.M. on September 2, 2016. An officer from the North Las Vegas Police Department also agreed to provide support to our agency at the scene of the search.

Prior to making contact with the offender, USPO Mummey and USPO D. Johnson parked in the vicinity of 5622 Via Victoria Avenue, North Las Vegas, Nevada to observe any activity at the home. At approximately 8:15 A.M., Mummey and Johnson observed a shirtless black male in blue shorts emerge from the property with a male child. Both officers recognized the male as Lazareo Jones from previously reviewing photographs of the offender.

Jones was observed entering the driver side door of a dark grey Ford Mustang, and the child got into the passenger side of this vehicle. The vehicle operated by Mr. Jones exited the neighborhood. At approximately 8:45 A.M. Jones returned to 5622 Via Victoria in a dark grey Ford Mustang with a temporary license plate. Jones parked the vehicle across the street from his reported residence and walked back into the residence.

At approximately 9:40 A.M. the search team and officers of the North Las Vegas Police Department arrived at 5622 Via Victoria Avenue. At approximately 9:41 A.M. Senior USPO Goldner and Supervising USPO Johnson knocked on the front door of 5622 Via Victoria and were greeted by a shirtless Lazareo Jones. He was wearing blue athletic shorts. The offender was immediately placed in handcuffs by Senior USPO Goldner and advised his search clause was being invoked. Handcuffs were applied for the safety of the offender and search team members due to Jones history of violence as well as the nature of the underlying conviction wherein he was in possession of a firearm during a shootout at a local club. Jones electronic bracelet was cut off of his body. A search was conducted of his body and a Ford Mustang key was located in the pocket of his shorts, as well as a Nevada Identification card, a small amount of U.S. Currency, a wallet, and an Apple iPhone with a shattered screen. Jones initially stated that he was home alone, but eventually admitted that there were three males in the back bedroom. The U.S. Probation Search Team entered the residence and they were told that there were multiple third parties in the back bedroom. At this time several verbal commands were made for the third parties to come out of the bedroom. The commands were not initially followed and the individuals did not come out for approximately 2 minutes. Officers of the North Las Vegas Police Department entered the home and assisted the search team with the detainment of three adult males who eventually emerged from the back bedroom.

All three individuals were placed in restraints. At approximately 9:45 a.m. the home was cleared by the U.S. Probation Search team and then photographed by USPO Patrick Sumansky prior to the execution of the search. Following the photographs the search team began searching the residence. Supervising USPO Fredlund used the Ford Mustang key that was found in Jones' pocket to gain entry into the dark grey Ford Mustang that Jones was driving earlier. Immediately upon opening the driver side door, Fredlund discovered a black semi-automatic Glock pistol with a magazine loaded into the magazine well. The firearm was located in plain view on the carpeted floor of the vehicle just underneath the forward edge of the driver seat. USPO Sumansky was summoned to the vehicle to take photographs. USPO Sumansky then found a second black semi-automatic Glock Pistol inside the passenger glove compartment.

The firearms were photographed but not touched by any member of the U.S. Probation Search team. Shortly after the discovery of the firearms the agents of the Federal Bureau of Investigation were called to the scene to assist with the recovery and processing of the weapons. The vehicle was not searched any further and it was towed away by agents of the FBI with the assistance of a commercial tow truck.

The Apple iPhone that was discovered on Mr. Jones' person was seized. No other contraband was seized from the residence. All three of the male subjects found in the back room were confirmed to be felons. Their names were as follows:

Rolando Williams (11/23/1995) Jacquese Weathers (07/12/1994) Antonio Richardson (09/05/1990)

Officers from North Las Vegas Police department questioned the three men and then released them.

Summary and Future Action:

Lazareo Jones was taken into custody by agents of the Federal Bureau of Investigation, based on probable cause that the offender was in possession of a firearm.

Revocation proceedings have also been initiated against Jones.

REPORTING SEARCH COORDINATOR

STEVE M. GOLDNER

Senior United States Probation Officer

S INITIALS/DATE

September 2, 2016 DATE

September 2, 2016

Exhibit 2

Exhibit 2

Search Plan #6544

Author: Steven M.

Date

Submitted By: Steven M.

Summary

Submitted:9/1/2016

PACTS #:

388747 Hide Information ♥

PACTS #: 388747

Name: Lazareo Jones

Sex: Male

Height & Weight: 67 inches 160 lbs

Driver License #:

Section 1 - Defendant/Offender

DOB: 12/22/1989

Address: 5336 North Padero Drive, North Las Vegas NV 89031

Case Officer: Goldner, Steve M.

Case Status: Active

Type of Supervision: TSR

Expiration Date: 7/13/2019

Sentence: Original

Sentence Date: 10/30/2014

Special Conditions:



CategoryCode	Description	Status Status	, iline e je je Jugara i gj
LOEA	Association Restrictions	A	
TRCT	General Equivalency Diploma	A	
LOEA	Home Confinement with Location Monitoring	A	
TRCT	Mental Health Treatment	A	
COMP	Search/Seizure	A	
FINS	Special Assessment	A	
OTHE	No Weapons Possession	Α	

Offenses of Conviction:

Citation	Code	Description	ClassDescription	
UNLAWFUL TRANSPORT OF	FC	Class C Felony	Class C Felony	
FIREARMS - ETC.				

Employment: None

Prior Searches:

Plan ID Search Date Defendant/Offender

6544POST	09/02/16	Lazareo Jones	Goldnor M. Clause
		2020100 001183	Goldner, M. Steven

Defendant/Offender Risks:

History of Violence, History of Drug Abuse, Weapons Use,

Sex Offender, Gang Affiliation, Other Describe other risk: Alcohol abuse

Other Relevant Information:

Police report indicates offender was in possession of a

firearm

Section 2 - Search Details

Planned Date/Time:

9/2/2016 9:30:00 AM -- 9/2/2016 11:30:00 AM

Search Authority:

Search Condition

Description of contraband/items sought:

Firearm, Ammunition, Cell Phones

Anticipated risks:

Other (Lives with girlfriend with violent history)

Was matter referred to law enforcement agency?

To whom: Alex Ochoa (NLVPD)

LE Agency's Response: Agreed to assist with multiple

officers

Anticipated Third Parties at Search Site:

Significant Other, Children

Section 3 - Reasonable Suspicion

Source	Reasonable Suspicions	Namo	Agoncy	Phone	Dotalls
Law Enforcement Information	Location Monitoring Reports, Criminal Associations, Other	Alex Ochoa	I	370- 5306	Officer Ochoa provided a CAD report that effender was brandishing a firearm after he broke his RF braceletTime stamps cooroborate time of alleged offense. Clothing on the offender cooroborates clothing that USPO found on Offender 4 hours later

Section 4 - Object of Search

Object Type	Additional information	Address Information
Offender Residence Private Residence	Occupancy Type: Staying with family Home Phone #: 702-831-1909 Cell Phone #:	Object: 5622 Villa Victorio Drive North Las Vegas, NV 89031
Vehicle(s)	Make: Mercedes Model #: Color: Black License Plate #: V5D7 VIN #: Ownership Type: Borrowed	Object 5622 Villa Victoria Ave North Las Vegas, NV 89031

Section 5 - Search Members

Name	Office Phone	Govt, Cell Phone	Trained as First-Aid Responder?	Trained in CPR?	Assignments
Steven M. Goldner	702-527-7336		Yes	Yes	Search Coordinator
Todd J. Fredlund	702-527-7313		Yes	No	Evidence Collector
Benjamin Johnson	702-527-7325		Yes	No	Offender Control, General Search
Joy Gabonia	702-527-7305		Yes	No	Photographer
Robert G. Aquino	702-527-7318		No	No	Offender Control, General Search, Supervisor
Shawn Ryan Mummey	702-527-7262		No	No	General Search

Section 6 - Other Agency Assistance

Namo	Туре	Phone	Assignment Types	Assignment Type	Additional Info
North Las Vegas PD	City or County Law Enforcement		Manage third parties, New oriminal charges, Seize contraband		

Section 7 - Safety/Other Info

Emergency Contacts:
Special Procedures:
Section 8 - Attachment

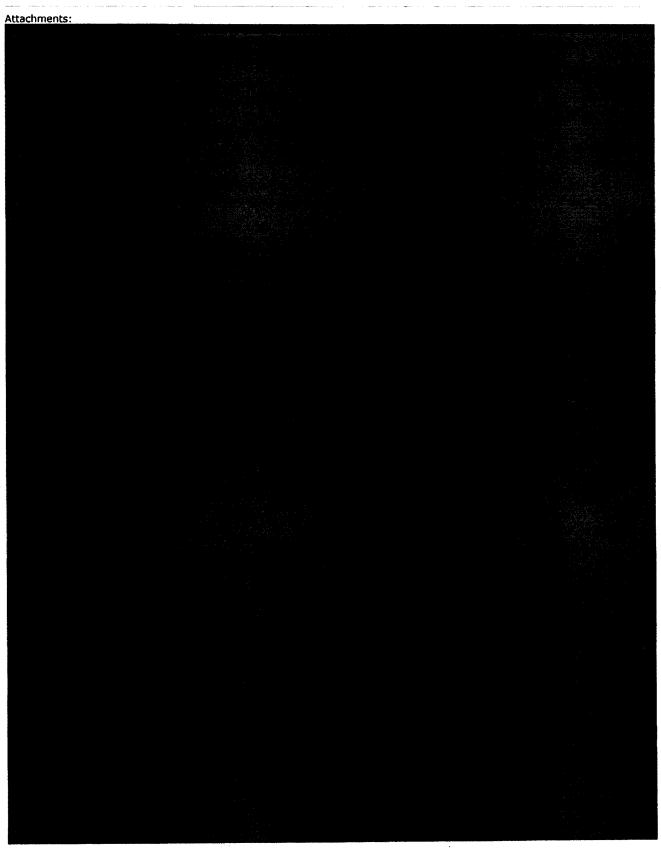
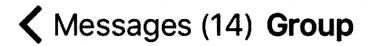


Exhibit 3

Exhibit 3



To: Ben, Robert, Sunny & 4 more...

Fri, Sep 2, 8:13 AM

Mummey

No vehicles parked at the house.



He just got into a mustang with his kid

Ok he knows he has to be back so he's probably just dropping the kid off at school

Mummey

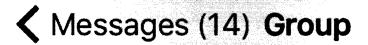


You just want me to stay on the house?

Not a bad idea, as long as you can be discreet



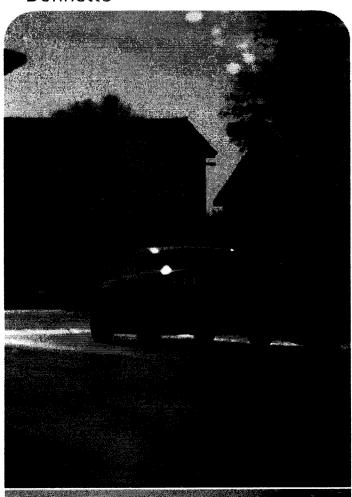




To: Ben, Robert, Sunny & 4 more...

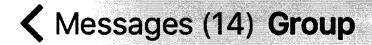
This is actually good...
We know the kid will be gone and now we have another car we spotted him in

Donnette

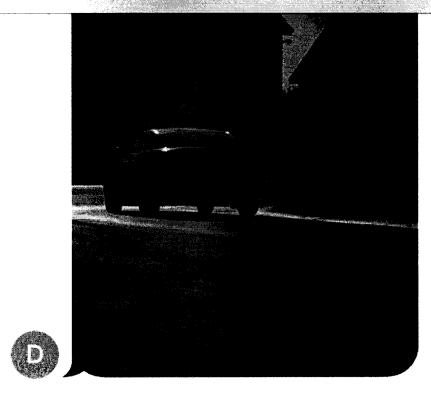








To: Ben, Robert, Sunny & 4 more...



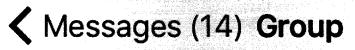
Mummey

He got out too quick for me to follow him. I'll just wait for him
To come back. He wasn't wearing a shirt so I don't think he's gonna do much more than drop the kid off









To: Ben, Robert, Sunny & 4 more...

Don't follow him
Don't flood the street.
Just one car off in the
distance is enough
Thanks

Robert... Ben is leaving the car keys in the g ride on the seat

Mummey



Can someone make sure we have extra gloves?

Robert Hernandez



Yes

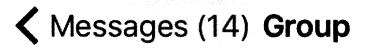
Sunny Cascio



For Todd? Haha! Jk.







To: Ben, Robert, Sunny & 4 more...



???

Mummey

Last time Todd went barehanded and got more than he was expecting



Robert Hernandez

Why for Todd?





Sunny Cascio





Mummey

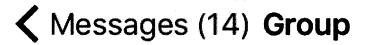


Got an unknown male in the house

Llannatte







To: Ben, Robert, Sunny & 4 more...

Donnette



Red shirt, blue jeans

Mummey



He's returned



Mummey

Yes

No Child. Third party is still in the home.



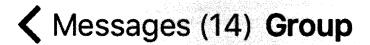
Robert Hernandez

Who's calling dispatch to let them know we are searching?









To: Ben, Robert, Sunny & 4 more...

Can we get the north Las Vegas guys to do that at when we meet at Sean Patrick's?



Robert Hernandez



Steve?

Of course. Driving right now we're almost there

We tried calling dispatch but they're experiencing a high call volume and would not pick up

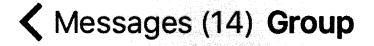
Mummey



Friday at 9 am is a high crime time







To: Ben, Robert, Sunny & 4 more...



Donut time. I'd be eating donuts right now if I were a cop.



Shameful there's no donut emoji.

We are here with Ochoa now... He is telling dispatch

Ben Johnson



Ochoa calling dispatch.

His crew is running a little late.... They will be here at 9:30

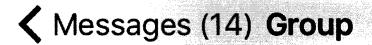
Mummey

Can Last company to



iNessage





To: Ben, Robert, Sunny & 4 more...

Can I get someone to take my place for 5 minutes. I drank too much coffee this morning apparently



Who else has an inconspicuous car? I don't want a lot of traffic on that street it's a cul-de-sac.

Robert Hernandez



Where are the car keys

Ben Johnson



Front seat of car

Robert Hernandez

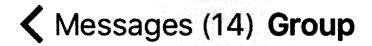


Ok



ii∨lessage





To: Ben, Robert, Sunny & 4 more...

Patrick Burns



I'm in route now

What is Patrick driving?

Patrick Burns



Gray impala

Mummey can you tell us where exactly you are parked... We can try to quickly scoop you up

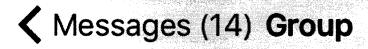
Mummey

Up by the second culdesac behind a old ford pickup. Opposite side of the street of the house









To: Ben, Robert, Sunny & 4 more...

Ok let's have Donnette stay in the car... Sunny will grab you really quick

Mummey

Right where the street bends

Ok

I'll jump out and walk back away from The house when she passes



Robert Hernandez

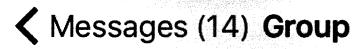


On our way

Mummey... How we lookin?







To: Ben, Robert, Sunny & 4 more...

Mummey

No change. Still the unknown 3rd party in the house.

Unknown if the female is present as we haven't seen her yet

The mustang is parked on the first street across from the house. Has a paper registration



Ok I confirmed the BI website... He is home

So he is ridin in a brand new mustang?

Mummey







✓ Messages (14) Group

Details

To: Ben, Robert, Sunny & 4 more...

Mummey



Yeah.

And he has it parked in such a way that we wouldn't think it was his?

Mummey



Yep

If you see a silver Nissan Sentra with Texas plates we got a problem.... Black male just drove into the pub and was eyeballing us

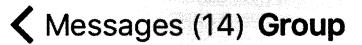
Mummey



No sign of that







To: Ben, Robert, Sunny & 4 more...

Hopefully he was just a patron... Keep an eye out for him

Fri, Sep 2, 12:08 PM

Robert Hernandez

Where we going for lunch?



Farmer brothers on centenial - per Steve.



Ben Johnson

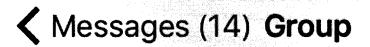
Farmer brothers. Ann west to Centenial, right Centenial winds around to Tropical on corner



Fri, Sep 2, 1:44 PM







To: Ben, Robert, Sunny & 4 more...

Patrick or any one else who photographed the guns... Please send me pics

Patrick Burns

Will do. How soon do you need them? They're on the search camera.



Todd watson



Did you get mine yet?

Fri, Sep 2, 5:22 PM

Got nothin from Todd

Todd watson



I tried twice, will try again





Exhibit 4

Exhibit 4

Date Description

▼ Post Conviction: SEARCH

Entry in **chronos** by Cascio, Sunny. Assisted in search of the offender's residence. SUSPO Johnson and SrUSPO Goldner

At tirst, Jones only reported

one other male was present in the residence. Ultimately he told the controlling officers there were three males in the back bedroom. As noted in SUSPO Fredlund's chronological entry,

After clearing the main front room,

The 3BMAs were turned over to

NLVPD as they wanted to question them, as it was discovered they are all felons, confirmed gang members, and suspects in recent shootings.

Once the 3 black males were

turned over to NLVPD Officers,

Regarding the search,

Located several rolls of tinfoil, several small squares of tinfoil, and a small digital scale in the master bedroom. The scale was hidden in a plastic bin of clothing, and appeared to have marijuana residue on it. Photographed foil and scale, but did not confiscate the items. Nothing found in baby's room, living room, or kitchen.

09/01/2016 Post Conviction:

Assignment and submission of **investigation** regarding *Violation* by Officer *Goldner, Steve M* on the same day. It was conducted under the jurisdictional authority of the *Court*. The offender was convicted of a *Class C Felony* under the Criminal Citation 18:922G.F (UNLAWFUL TRANSPORT OF FIREARMS - ETC.).

12C Warrant Request.

09/01/2016 ▼ Post Conviction: C-LE, C-CEC

Entry in **chronos** by Nilo, Joe: Received an email from Det. Ochoa with more detail information

regarding the incident on Monday August 29, 2016. The incident report was forwarded to Sr.USPO Goldner on this date.

09/01/2016 ■ Post Conviction: GEN-STAFF

Entry in **chronos** by Goldner, Steve: Staffed case with Chief Boardman and SUSPO Johnson. Permission was obtained to conduct a search on Jones on September 1, 2016.

09/01/2016

Description Date Post Conviction: C-LE Entry in chronos by Goldner, Steve: Received report from NLVPD officer Ochoa indicating that Jones was involved in a fight in front of his residene during the same time period that his bracelet was broken off. The report also indicated that Jones brandished a firearm. 09/01/2016 Post Conviction: CT-12C Entry in chronos by Stegman, Laura: 12C filed: JA, CD, and AUSA notified. 08/31/2016 Post Conviction: WC-NEG Entry in chronos by Dickinson, Diane: UA Negative. 08/30/2016 Start of new Residence address for this client - valid up to today. Via Victoria Street North Las Vegas, Nevada 89031 702-541-4411 (Phone Mobile) 08/30/2016 ▼ Post Conviction: LMP-KA, PT Entry in chronos by Goldner, Steve: Contacted Jones on this evening atter received an unauthorized leave. O answered the phone and went on Facetime to show me the receiver. O was out for 36 minutes before he returned. 08/29/2016

All Entries Redacted

Date Description

▼ Post Conviction: PH, CEP, LMP-KA, BA

Flags: Noncompliance

Entry in chronos at 02:07 by Goldner, Steve: Strap tamper and proximity tamper at 2 AM today.

Goldner

received a phone call back from Mr. Jones at approximately 4:30 AM. He claimed that his son was wrestling with him and broke the bracelet. I spoke with him briefly and then told him somebody would be at the house very soon.

I went to the home at about 6 AM. Mr. Jones was sitting on the front porch with about five females and a little boy about 10 years old

I obtained the broken bracelet from his mother. The bracelet had a busted clip and it appeared that it was yanked and broken from the transmitter. I cannot possibly see how a child could've done that. There was no visible injury to his leg either. It was my believes that he was tampering with the bracelet

Mr. Jones smelled heavily of alcohol. I conducted a breathalyzer on him and he registered .181 alcohol content
He admitted to taking three shots of a hard apple apple flavored liquor

I installed the bracelet back onto his wrist, because he complained of being shot in both legs.

I asked him several times and he kept saying yes that's where he wanted it installed.

Jones then told me that his mother's boyfriend will not let him stay at the home anymore. He introduced me to one of his baby mother's named Trolise. I obtained her address at 5622 Villa Victoria Ave. in North Las Vegas. I told him an officer would get by there today to check it out. Right now he needed to sober up before he did anything

I spoke with him his mother and Trolise a while about his alcohol issues. I told him we were not done talking about this and I will get back in touch with him soon. Officer was leaving town so had to get out of the house rather quickly. It is my believe that Mr. Jones has a severe alcohol issue. This is the second time catching up drinking early in the morning and his history shows quite a bit of alcohol abuse

Case was thoroughly staffed with supervisor Johnson. He will be returning to the home today to meet with Mr. Jones The offender was challenged on the absurdity of the story. I asked him how his child could possibly have been awake at two in the morning the night before the first day of school. He stuck by his story and said it was his son. His mother and girlfriend corroborated the story

08/29/2016

